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**United States Court of Appeals
For the First Circuit**

No. 07-2562

CHRISTOPHER A. MOORE,
Plaintiff, Appellant,

ESTATE OF MARY LOU MOORE,
Plaintiff,

v.

KINDRED HEALTHCARE OPERATING, INC., ET AL.,
Defendants, Appellees.

Before

Torruella, Circuit Judge,
Selya, Senior Circuit Judge,
and Lipez, Circuit Judge.

JUDGMENT

Entered: January 24, 2008

The motion for appointment of counsel is denied.

For reasons stated in this court's order of December 7, 2007, this appeal is dismissed as duplicative. Appellant's appeal shall proceed under Appeal No. 07-2563.

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Deputy Clerk

Date:

2/15/08

By the Court:

Richard Cushing Donovan, Clerk.

By:

Chief Deputy Clerk.

[cc: Christopher A. Moore]